

**REMARKS**

**Amendments to the Claims**

Claim 1 has been amended to include an element “the cluster management device configuring the network devices with a data structure comprising the following fields: network type, identifying a type of network that the network device is located in; and physical address, identifying a physical address of the network device within the network” in order to expedite the examination of this application.

Claim 14 has been similarly amended.

Support for such amendments can be found on, for example, page 14, lines 9-18 of the originally filed description.

The amendments to claims 1 and 14 present no new matter.

Claim 13 has been cancelled without prejudice.

**Regarding Claims Rejections under 35 USC§ 102(e) & § 103(a)**

The previously pending claims 1-4, 6-7 are rejected under 35 USC § 102(e) as being anticipated by Duvvury (US 6,917,626 B1). The previously pending claims 8-13 stand rejected for being obvious over Duvvury in view of Dinker, and Poston in view of well known practices in the art. The previously pending claim 14 stands rejected for being obvious over Choi (US 2002/0040397A1) in view of Dinker.

Applicants respectfully request withdrawal of the rejections in view of the amendments to the claims.

As stated above, the applicant has amended claim 1 by incorporating a new technical feature *“the cluster management device configuring the network devices with a data structure comprising the following fields: network type, identifying a type of network that the network device is located in; and physical address, identifying a physical address of the network device within the network.”*

Applicants respectfully submit that Duvvury does not disclose the above technical features in italic of the currently amended claim 1 of the present application.

Specifically, Col.11, lines 15-27 of Duvvury as cited by the Examiner describes that “once the commander switch has been enabled, it can use information known about the network

topology to identify other network devices in the network that may be added to the cluster. According to one embodiment of the present application, the commander switch uses the CiscoTM Discovery Protocol (“CDP”) to automatically identify candidate network devices. However, other similar products known to those of ordinary skill in the art are available from other vendors to accomplish the same task. Alternatively, discovery of candidate network devices may be performed manually by inspecting the network topology and the network devices attached to the network”.

As can be seen from above, this portion of Duvvury describes that how the commander switch identifies other network devices in the network that may be added to the cluster. However, this portion does not teach or suggest configuring the network devices with a data structure comprising the fields of network type and physical address.

Applicants thus respectfully submit that the technical solution comprising the technical features in italic of the amended claim 1 of the present application is quite different from that of Duvvury. None portion of Duvvury discloses the technical solution as claimed by claim 1 of the present application. Therefore, the currently amended claim 1 of the present application is not anticipated by Duvvury.

According to the currently amended claim 1 of the present application, for the network device configured with the above data structure, it is unnecessary to use manufacturer-defined device identification methods. The method of the present application is favorable to ensure uniqueness of each device; and device uniqueness is ensured by uniqueness of the physical address. Furthermore, such an identification is not limited to a certain physical network, for example, if Type = 0, the physical address of a device in the network is expressed as an Ethernet address. The Type may be extended according to the physical network where the device is.

Neither Dinker nor Poston discloses or suggest a technical solution comprising the above technical feature in italic as claimed by claim 1 of the present application, nor does the combination thereof give any hint about forming such a technical solution. Therefore, the amended claim 1 of the present application can not be rendered obvious based on the teaching of Duvvury in view of Dinker, and Poston, thus is patentable under 35 U.S.C. 103(a).

Based on at least same reasons, the dependent claims 2-4, 6-13 are also nonobvious over the cited references and thus are patentable under 35 U.S.C. 103(a).

Furthermore, the applicant respectfully submits that neither Choi nor Dinker discloses or suggests the technical feature of “*the cluster device manager configuring the member devices with a data structure comprising the following fields: network type, identifying a type of network that the member device is located in; and physical address, identifying a physical address of the member device within the network*” as recited in the amended claim 14 of the present application.

Therefore, the amended claim 14 of the present application can not be rendered obvious based on the teaching of Choi in view of Dinker, thus is patentable under 35 U.S.C. 103(a).

In view of the foregoing, the Applicant believes the claims as amended are in allowable form. Therefore, reconsideration of the application and the grant of a patent are respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

August 12, 2009  
(Date of Transmission)

Marina Der Tatevossian  
(Name of Person Transmitting)

/Marina Der Tatevossian/  
(Signature)

Respectfully submitted,

/Brian J. Cash 60,546/  
Brian J. Cash  
Attorney for Applicants  
Reg. No. 60,546  
LADAS & PARRY  
5670 Wilshire Blvd., Suite 2100  
Los Angeles, CA 90036  
(323) 934-2300 voice  
(323) 934-0202 fax  
bcash@la.ladas.com